

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 2      1934      NUMBER 54

*Washington, Saturday, March 20, 1937*

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 48863]

#### POWERS OF ATTORNEY—PROTESTS

EFFECTIVE DATE OF T. D. 48707 EXTENDED

#### *To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 251, Revised Statutes (U. S. C., title 19, sec. 66) and section 624 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1624), the effective date of T. D. 48707<sup>1</sup> is hereby changed from March 25, 1937, to June 23, 1937.

[SEAL]

J. H. MOYLE,  
*Commissioner of Customs.*

Approved: March 15, 1937.

WAYNE C. TAYLOR,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-783; Filed, March 19, 1937; 10:48 a. m.]

## WAR DEPARTMENT.

### EMERGENCY RULES AND REGULATIONS TO GOVERN THE NAVIGATION THROUGH THE REACH OF THE ATCHAFALAYA RIVER IN THE VICINITY OF THE SOUTHERN PACIFIC RAILROAD BRIDGE AT MORGAN CITY, LOUISIANA

#### THE LAW

Section 7 of the River and Harbor Act of August 8, 1917, provides as follows:

That section four of the river and harbor Act of August eighteenth, eighteen hundred and ninety-four, as amended by section eleven of the river and harbor Act of June thirteenth, nineteen hundred and two, be, and is hereby, amended so as to read as follows:

"Sec. 4. That it shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding \$500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court."

#### THE REGULATIONS

In pursuance of the law quoted above the following emergency regulations are prescribed to govern the use, administration, and navigation through the reach of the Atcha-

falaya River in the vicinity of the Southern Railroad Bridge at Morgan City, Louisiana, during periods of high water:

1. Whenever gauge heights in the Atchafalaya River at Morgan City, Louisiana, exceed three feet Mean Low Gulf, tows moving downstream through the railroad bridge at Morgan City, Louisiana, shall not exceed one barge and tug. In passing the bridge the tows shall be drifted through the draw at a speed not to exceed five miles per hour with a tug in the rear.

2. All tows shall be adequately powered, properly assembled and equipped with necessary devices and crew to assure safe handling.

3. These regulations shall take effect and be in force on and after the date of approval hereof and may be revoked upon thirty days notice by the Secretary of War whenever in his judgment the interests of navigation so warrant.

Approved, March 2, 1937.

HARRY H. WOODRING,  
*Secretary of War.*

[F. R. Doc. 37-784; Filed, March 19, 1937; 11:19 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Division of Territories and Island Possessions.

#### THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

[Passenger Circular No. 127-G; Freight Circular No. 69-G]

#### TANANA AND YUKON RIVER SERVICE

ANCHORAGE, ALASKA, February 24, 1937.

#### *To All Concerned:*

During the 1937 season one river steamer, the Steamer *Nenana* will be operated between Nenana, Holy Cross, Marshall and intermediate points as follows:

Leave Nenana at 7:00 p. m. for Marshall on Sunday, May 16, June 6, 20, July 4, 18, August 1, 15, 29, September 12.

Returning from Marshall steamer will leave that point for Nenana as soon as freight and passengers are discharged but not earlier than 6:00 a. m. May 25, June 11, 25, July 9, 23, August 6, 20, September 3, 17. Departure from Holy Cross will be not earlier than 6:00 p. m. on date shown following departure from Marshall.

A barge will be handled by steamer leaving Nenana on sailings May 16th, June 6, July 4, August 1, 29, Sept. 12. No barge will be handled by steamer sailing from Nenana on June 20, July 18, August 15, unless there is on hand at Nenana sufficient tonnage, in excess of carrying capacity of the steamer itself, to warrant the handling of a barge.

Inflammable liquids and explosives, which includes gasoline, fuel oil distillate, kerosene, are prohibited for transportation on the steamer itself and must be transported or loaded on a barge towed by the steamer. Therefore shippers of these commodities should arrange their orders so that

<sup>1</sup> 1 F. R. 2519.





Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 5 cents; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the **FEDERAL REGISTER** should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

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shipments will connect at Nenana with steamer handling barge, on dates indicated above.

Connections are made at Holy Cross with steamer of Ira Wood and Day Navigation Company for points on the Innoko River and Iditarod.

Connections are made at Marshall, with each sailing, with launches of Northern Commercial Company for Saint Michael and Nome.

Train connections with Steamer *Nenana* at Nenana, for Marshall are made with Train No. 12 from Seward, also motor car leaving Fairbanks Sunday at 4:00 p. m. for Nenana. Steamer *Nenana* arriving Nenana connects with train No. 11 for Seward and motor car for Fairbanks.

Local Passenger Tariff No. 6-A and Local Freight Tariff No. 6-A name passenger and freight rates between all points Nenana to Marshall.

This circular cancels Freight Circular No. 69-F, Passenger Circular No. 127-F of February 21, 1936.

Authority: Act March 12, 1914 and Executive Order No. 3861.

J. T. CUNNINGHAM,  
*Superintendent of Transportation.*

[F. R. Doc. 37-780; Filed, March 19, 1937; 9:44 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER—B-101—Maine—Supplement (2) Issued March 18, 1937

### 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

#### BULLETIN NO. 101—MAINE—SUPPLEMENT (2)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Maine,<sup>1</sup> as amended by Supplement (1), is hereby amended as follows:

#### I

In the schedule under the heading "Fertilizing Conserving Crops", the figure representing the "Smallest amount" of potash, with or without manure, for which payment will be made when applied as top-dressing on hay land, pasture or orchard sods, is changed from 50 to 35. The line affected by this change will read:

Potash with or without manure----- 35 80

#### II

The following paragraph is added at the end of subsection (a), section 4, of Part VII:

In the case of a farm which is rented for cash or for a fixed commodity payment, the owner shall be considered a producer and shall be eligible to share in the soil-building payment as provided in the preceding paragraph, provided a request for such a division of payment between owner and tenant(s) is filed with the County Committee on the prescribed form and such form is signed by the tenant(s) and the owner.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 18th day of March, 1937.

[SEAL]

H. A. WALLACE,  
*Secretary of Agriculture.*

[F. R. Doc. 37-786; Filed, March 19, 1937; 12:44 p. m.]

NER—B-101—Pennsylvania—Supplement (3) Issued March 18, 1937

### 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

#### BULLETIN NO. 101—PENNSYLVANIA—SUPPLEMENT (3)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania, as amended by Supplements (1) and (2) thereto,<sup>2</sup> is hereby amended as follows:

#### I

The definition of "Soil-conserving base" included in Part IX, "Definitions", is amended to read as follows:

*Soil-conserving base* means the acreage represented by the difference between (1) the sum of the total crop land (excluding commercial orchards and idle crop land) and the 1936 acreage of

<sup>1</sup> 2 F. R. 169.

<sup>2</sup> 2 F. R. 312, 406, 593.



soil-conserving crops as described in Part VI, section 3 (legumes or perennial grasses following a soil-depleting crop in 1936, or green-manure crops plowed under in 1936 following commercial vegetables), and (2) the sum of the 1937 tobacco soil-depleting base (if any) and the 1937 general soil-depleting base which is or could be established for the farm.

The following paragraph is added at the end of subsection (a), section 4 of Part VIII:

In the case of a farm which is rented for cash or for a fixed commodity payment, the owner shall be considered a producer and shall be eligible to share in the soil-building payment as provided in the preceding paragraph, provided a request for such a division of payment between owner and tenant(s) is filed with the County Committee on the prescribed form and such form is signed by the tenant(s) and the owner.

### III

The definition of "Tobacco soil-depleting base" included in Part IX, "Definitions", is amended to read as follows:

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 18th day of March, 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-787; Filed, March 19, 1937; 12:44 p. m.]

SR-B-101—Kemper County, Mississippi

#### 1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

##### BULLETIN 101—KEMPER COUNTY, MISSISSIPPI

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil-Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with provisions of this Southern Region Bulletin 101—Kemper County, Mississippi, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance herein set forth are computed upon the basis of an appropriation of \$500,000,000 for the 1937 program and 85 percent participation by farmers in all regions. Such rates of payment, deductions, and the soil-building allowance may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

#### Part I. Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program (hereinafter referred to as the 1937 program) in Kemper County, the term—

*Secretary* means the Secretary of Agriculture of the United States.

*Southern region* means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

*Southern division* means the division of the Agricultural Adjustment Administration in charge of the 1937 program in the Southern Region.

*State agricultural conservation committee*, hereinafter referred to as State Committee, means the group of persons

designated to assist the Secretary in the administration of the 1937 program in the State of Mississippi.

*Kemper County* means the area in the State of Mississippi embraced in the county of Kemper. Kemper County is one of several areas in the Southern Region designated to operate under "Special Programs" as provided for in section 66 of Southern Region Bulletin 101.

*County agricultural conservation association*, hereinafter referred to as county association, means the association of producers in Kemper County authorized by the Secretary to assist in the administration of the 1937 program in that county.

*County agricultural conservation committee*, hereinafter referred to as County Committee, means the group of persons designated to assist the Secretary in the administration of the 1937 program in Kemper County.

*Community agricultural conservation committee*, hereinafter referred to as Community Committee, means the group of persons designated for a community within Kemper County to assist the Secretary in the administration of the 1937 program in such community.

*Person* means an individual, firm, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who (1) owns land which is not rented to another for cash or a fixed commodity payment, or (2) rents land from another for cash or a fixed commodity payment, or (3) is purchasing land on installments of cash or one or more commodities.

*Operator* means a person who as owner is operating a farm and is entitled to receive all or a portion of the crops produced thereon or of the proceeds of such crops, or who as share-tenant is operating a whole farm and is entitled under a written or oral lease or agreement to receive a portion of the crops produced thereon or of the proceeds of such crops.

*Share-tenant* means a person other than an owner or share-cropper who is working a farm in whole or in part and is entitled under a written or oral lease or agreement to receive a portion of the crops produced thereon or of the proceeds of such crops.

*Share-cropper* means a person who works a producer unit under the supervision of an operator and is entitled under a written or oral agreement or State law to receive for his labor a share of any or all of the crops produced thereon or of the proceeds of such crops.

*Producer* means an owner, share-tenant, or share-cropper.

*Farm* means all land which in 1937 is operated by a person with labor, workstock, and farm machinery substantially separate from that for any other land except that the parts of such land having separate owners shall be considered as separate farms.

*Producer unit* means any tract of land (whether a whole farm or a subdivision thereof) on which in 1937 one or more crops are planted or grown and which is farmed by (1) an owner with his own or his family's labor or with hired labor other than one or more share-croppers, or (2) a share-tenant with his own or his family's labor or with hired labor other than one or more share-croppers, or (3) a share-cropper.

*Cropland* means all farm land which is tillable and on which at least one crop of any kind other than wild hay was harvested or planted for harvest at some time between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to bearing or non-bearing orchards or vineyards other than those abandoned.

*Total soil-depleting base* means the acreage established for the farm as that normally used thereon for the production of all soil-depleting crops.

*Cotton soil-depleting base*, hereinafter referred to as cotton base, means the acreage established for the farm as that normally used thereon for the production of cotton.

*General soil-depleting base*, hereinafter referred to as general base, means the acreage established for the farm as



that normally used thereon for the production of all soil-depleting crops except cotton.

*Class I payment* means the payment for diversion of acreage from any soil-depleting base.

*Class II payment* means the payment for carrying out any soil-building practice approved by the Secretary.

*Soil-building allowance* for any farm means the largest amount of money that will be paid as a class II payment for the farm.

### Part II. Soil-Building Allowance

**SECTION 1. Soil-Building Allowance for Farms Which May Earn a Class I Payment.**—On any farm for which a cotton base is or can be established or on which the general base exceeds the home consumption needs for the farm, the soil-building allowance will be the sum of the following items or \$10.00, whichever is the greater:

(a) \$0.75 for each acre of soil-conserving crops grown on cropland in 1937; and

(b) \$2.00 for each acre of land terraced in 1937 in accordance with approved terracing practices for the land.

**SEC. 2. Soil-Building Allowance for Farms Which May Not Earn a Class I Payment.**—On any farm for which no cotton base can be established and on which the acreage of food and feed crops for home consumption needs is as great or greater than the general base which is or can be established for the farm, the soil-building allowance will be the sum of the following items or \$20.00, whichever is the greater:

(a) \$0.50 for each acre of cropland or \$0.75 for each acre of soil-conserving crops, grown on cropland in 1937, whichever is the greater; and

(b) \$2.00 for each acre of land terraced in 1937 in accordance with approved terracing practices for the land.

**SEC. 3. County Limit for Soil-Building Allowances.**—If the total soil-building allowance established for participating farms in Kemper County in 1937 is in excess of the total soil-building allowance which could have been established for all farms in Kemper County under the provisions outlined in SR-B-101, part II, as estimated by the Agricultural Adjustment Administration, the Secretary reserves the right to decrease the allowance pro rata to the extent of such excess.

### Part III. Rates and Conditions of Payment

Payments will be made in connection with the utilization in 1937 of the land on any farm in Kemper County, Mississippi, at the rates and subject to the conditions set forth herein, provided that no payment will be made for any change in the use of such land which involves the destruction in 1937 of any food, fiber, or feed grain.

**SECTION 11. Cotton.**—(a) A class I payment will be made for each acre diverted from the cotton base on any farm in 1937 at the rate of 5 cents for each pound of the normal per acre cotton yield as adjusted for the farm on an acreage not to exceed 35 percent of such base, except that if such base is 5.7 acres or less payment may be made for diverting all or any part of such base not to exceed two acres.

(b) But if the acreage of cotton on any farm in 1937 exceeds the cotton base for such farm a deduction will be made in an amount equal to the result obtained by multiplying the number of such excess acres by the rate per acre determined for the farm under subsection (a) of this section 11.

**SEC. 12. General Soil-Depleting Base.**—(a) A class I payment will be made for each acre diverted from the general base on any farm in 1937, subject to the following provisions:

(1) Such payment will be made for diverting such part of such base as is in excess of the home consumption needs for the farm but in no case will such payment be made on an acreage in excess of 15 percent of such base.

(2) The rate of such payment per acre shall be \$9.00 on the average for the United States, varying among States, counties, and individual farms as the productivity of the cropland used for the production of the crops in

such base varies from the average productivity of all such cropland in the United States.

(b) If the 1937 acreage of crops in the general base for any farm exceeds such base or the acreage of such crops needed to meet home consumption needs for the farm, whichever is the greater, a deduction will be made in an amount equal to the result obtained by multiplying the number of such excess acres by the rate per acre established for the farm pursuant to subsection (a) of this section 12.

**SEC. 13. Soil-Building Practices.**—A class II payment will be made for carrying out any one or more of the following soil-building practices in 1937 at the rates and upon the conditions listed in this section 13, *provided* (1) in no event will the total of the class II payments respecting any farm exceed the soil-building allowance for the farm; (2) none of the labor, seeds, or materials for such practice is furnished or paid for by any Federal or State agency; and (3) the practice is carried out by such methods and with such kinds and quantities of adapted seed, trees, and other materials as conform to good farming practice.

#### Practice Number—Practices and Conditions—Rate of Payment

1. Lespedeza, Austrian winter peas, vetch, or other locally adapted winter legume, or legume mixture<sup>1</sup> seeded on cropland in 1937: \$1.50.

2. Soybeans, velvet beans, cowpeas, crotalaria, beggar weed, lespedeza, or other locally adapted summer legumes, grown on cropland in 1937 and vines or stalks left on land or turned under: \$1.00.

3. Crimson or bur clover, Austrian winter peas, vetch, or other locally adapted winter legume plowed under in 1937, provided a reasonably good growth is attained: \$1.00.

4. Establishment of permanent pasture of perennial grasses or any pasture grass and legume mixture, on cropland or non-crop open pasture land in 1937: \$3.00.

5. Forest trees, including post-producing species planted on cropland in 1937: \$5.00.

6. Ground limestone or its equivalent<sup>2</sup> applied on soil-conserving crops or pastures in 1937, but payment will not be made on an amount in excess of 4,000 pounds per acre, or less than 500 pounds per acre if applied in rows or less than 1,000 pounds per acre if applied broadcast (per 100 pounds): \$0.07.

7. Sixteen percent superphosphate or its equivalent<sup>3</sup> applied in 1937 on soil-conserving crops or pastures (excluding soybeans, cowpeas, velvet beans, and peanuts) but payment will not be made on an amount less than 100 pounds or in excess of 400 pounds per acre (per 100 pounds): \$0.50.

8. Basic slag applied in 1937 on soil-conserving crops or pastures (excluding soybeans, cowpeas, velvet beans, and peanuts), but payment will not be made on an amount less than 100 pounds or in excess of 600 pounds per acre (per 100 pounds): \$0.35.

9. Terracing land in 1937 in accordance with approved terracing practices for the land (per 100 feet): \$0.40.

**SEC. 14. Minimum Acreage of Soil-Conserving Crops.**—If the sum of the acreage of soil-conserving crops on cropland and the acreage terraced in 1937 in accordance with approved terracing practices for the land on any farm does not equal or exceed the sum of the acres diverted for payment, a deduction will be made in an amount obtained by multiplying the rate per acre determined for the farm under subsection (a) of section 11 by the number of acres by which the total acres of soil-conserving crops (including terraced acres) on the farm in 1937 is less than such sum.

**SEC. 15. Division of Payments.**—Class I and class II payments made with respect to any farm shall be divided as follows:

(a) *Class I Payment.*—The class I payment except as indicated in the remaining subsections of this section 15 shall be divided—

(1) Thirty-seven and one-half (37½) percent to the producer who furnishes the land;

<sup>1</sup> Mixtures of legumes listed in practice No. 1 and non-legumes will be eligible for a payment of \$1.50 per acre, provided such legumes are seeded at a rate equal to at least fifty (50) percent of the normal rate for such legumes.

<sup>2</sup> For example, five hundred pounds of burnt lime or 700 pounds of hydrated lime is the equivalent of 1,000 pounds of ground limestone.

<sup>3</sup> For example, one hundred pounds of 48 percent superphosphate is the equivalent of 300 pounds of 16 percent superphosphate.



(2) Twelve and one-half (12½) percent to the producer who furnishes the workstock and equipment; and

(3) Fifty (50) percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in 1937 in those soil-depleting crops, or the proceeds of such crops, in connection with which the class I payment is made.

(b) *Class II Payment.*—The class II payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the eligible producer who the County Committee determines under instructions issued by the Secretary has incurred the expense in 1937 of carrying out such soil-building practice; if the County Committee determines that two or more producers have shared in the expense incurred in carrying out such practice on the farm, the class II payment calculated for the particular acreage with respect to which such producers shared in such expense shall be divided equally among them.

(c) *Reckoning Payments Without Regard to Claims.*—Any share of the class I or class II payments shall be computed and paid without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of the owner or any other creditor.

(d) *Changes in Leasing or Cropping Arrangement.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1936 leasing or cropping arrangement for the farm or has adopted any other device for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants or share-croppers would be entitled if the 1936 leasing or cropping arrangement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part.

(e) *Division of Class I Payment Where Diversion Was Not Made Ratably.*—On farms where there are two or more producers, that portion of the class I payment made with respect to any soil-depleting base which is to be divided among producers on a crop-share basis shall be divided among the producers entitled to share in the soil-depleting crop(s) in such base in the proportion that the acreage share of each such producer bears to the total acreage of such crop(s) grown on the farm in 1937; except that if no acreage of the crop(s) in any such base was planted in 1937 or if the County Committee finds (such finding shall be indicated by approval of the application for payment setting forth one of the methods of division of payment provided below) that diversion has not been made ratably by all producers on the farm, such portion of such payment to be made to any such producer shall be—

(1) in that proportion which his contribution to the difference between such base and the 1937 acreage of crop(s) in such base bears to the total difference between such base and the 1937 acreage of crop(s) in such base; or

(2) in that proportion which his acreage share of the soil-depleting base with respect to which such payment is made bears to such base for the farm.

The County Committee shall recommend, subject to the approval of the State Committee and the Director of the Southern Division, as each such person's share of such payment that portion computed in accordance with paragraph (1) or paragraph (2) of this subsection (e), whichever is found to be the more equitable, and support its recommendation by an accompanying letter setting forth fully the facts upon which such recommendation is based.

(f) *Abandonment, Foreclosure, Death, Etc.*—If prior to harvest a producer voluntarily ceases to cultivate, sells, abandons, or through his own fault or neglect loses control of any soil-depleting crop in connection with which a class I payment may be made, such producer shall not be entitled to such payment or any share therein and whoever succeeds him and as such successor is entitled to such crop or to

share in it or its proceeds shall be entitled to such payment or to share therein, as the case may be, provided that by agreement of such producer and such successor person or persons (such agreement to be indicated or confirmed by their signatures on the application for payment) the acreage of such crop may be divided between them and such payment may be divided between them accordingly. In no case shall any person who as a result of attachment, foreclosure, or other legal process comes into possession of any soil-depleting crop in connection with which a class I payment may be made or the land on which such crop was planted be entitled to any share in such class I payment if the producer previously entitled to such crop or to share in it or its proceeds did not voluntarily abandon such crop, and the producer so dispossessed shall be entitled to such payment or to share therein, as the case may be. In case of the death or incompetency of a producer occurring during the period of performance under the 1937 program, class I and class II payments shall be made or withheld in accordance with rules to be prescribed by the Secretary.

(g) *Lease or Operating Agreement Expiring During Growing Season.*—No person who, upon the expiration of a lease or operating agreement which expires in 1937 after the season for planting begins and before harvest, succeeds to the land or crop covered by the lease or operating agreement shall be entitled to any class I payment or share thereof respecting such land or crop, except that, if the County Committee finds that both the producer who farmed under such lease or operating agreement and his successor have contributed to performance in 1937 and they have agreed upon a division between them of the acreage which otherwise would go to the producer who farmed under such lease or operating agreement, such acreage shall be divided between them according to such agreement (indicated or confirmed by their signatures on the application of payment) and the County Committee's finding shall be evidenced by its approval of the application setting forth such division.

SEC. 16. *Payments Restricted to Effectuation of Purposes of the Program.*—No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat the purposes of the 1937 program.

#### Part IV. Classification of Land Use and Crops

Farm land when devoted to the crops and uses indicated below shall, except for such additions or modifications as may be approved by the Secretary, be classified as follows:

SECTION 31. *Soil-depleting.*—Land on which any of the following crops are harvested shall, except as provided in section 33 below, be regarded as devoted to the production of soil-depleting crops for the year in which such crops are harvested. In establishing soil-depleting bases and in the checking of performance the acreage of land which is devoted to two or more soil-depleting crops shall be counted only once.

(a) Corn (field, sweet corn, or popcorn).

(b) Cotton.

(c) Potatoes (Irish or sweet).

(d) Sugarcane.

(e) Truck and vegetable crops, including melons and strawberries.

(f) Peanuts harvested for nuts.

(g) Grain sorghums, sweet sorghums, millets, broomcorn, or Sudan grass, harvested for grain, seed, or forage.

(h) Small grains harvested for grain or hay (wheat, oats, barley, rye, buckwheat, or any mixture of any of these).

SEC. 32. *Soil conserving.*—Land devoted to any of the following crops or uses shall be regarded as used for the production of a soil-conserving crop except that any land from which a soil-depleting crop is harvested in the same year shall be regarded as used for the production of a soil-depleting crop in such year, except as provided in section 33 below. Any acre on which two or more soil-conserving crops are grown in the same year shall not be counted as



more than one acre of soil-conserving crops, except that any acre that is terraced in 1937 in accordance with approved terracing practices for the land and on which a soil-conserving crop is grown in 1937 may be allowed to count as two acres of soil-conserving crops.

(a) *Legumes*, including vetch, winter peas, clovers, alfalfa, kudzu, lespedeza, soybeans, velvet beans, crotalaria, and cowpeas.

(b) *Peanuts*, if pastured.

(c) *Grasses*, including Dallis, Natal, rye grass, timothy, orchard, Bermuda, and carpet, or grass mixtures.

(d) *Grain sorghum* (seeded solid), sweet sorghums, millets, or Sudan grass, not harvested for grain, seed, or forage, or grain sorghums planted in rows and plowed under.

(e) *Cover crops*, including rye, barley, oats, wheat, and grain mixtures, not cut for grain or hay, provided a reasonably good growth is left on the land or plowed under.

(f) *Forest trees*, planted on cropland since January 1, 1934.

(g) Terracing land in 1937 in accordance with good terracing practices for the land (except that the acreage terraced in 1937 shall not be regarded as used for the production of soil-conserving crops in connection with item (a) in sections 1 and 2).

**SEC. 33. Soil-Conserving Crops Grown in Combination With or Following Soil-Depleting Crops.**—Land devoted to soil-conserving crops grown in combination with or following soil-depleting crops shall be classified as follows:

(a) All the acreage of soil-depleting row crops interplanted or grown in combination with summer legumes (classified in section 32 above as soil-conserving) shall be classified as soil-depleting, and

(1) one-half ( $\frac{1}{2}$ ) of the acreage shall also be classified as soil-conserving, provided the legume occupies at least one-half ( $\frac{1}{2}$ ) of the land and attains a reasonably good growth, or

(2) one-third ( $\frac{1}{3}$ ) of the acreage shall also be classed as soil-conserving, provided the legume occupies at least one-third ( $\frac{1}{3}$ ) but less than one-half ( $\frac{1}{2}$ ) of the land and attains a reasonably good growth.

(b) All the land from which a soil-depleting crop is harvested in 1937 and followed by legumes (classified in section 32 above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

(c) All the land on which green manure crops are seeded following commercial vegetable crops and plowed under as green manure after having attained at least two months' growth shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

(d) All land from which a soil-depleting crop is harvested in 1937 and on which terraces are constructed according to good terracing practices for the land shall, in addition to being classified as soil-depleting, be classified as soil-conserving (except that the acreage terraced in 1937 shall not be regarded as used for the production of soil-conserving crops in connection with item (a) in sections 1 and 2).

**SEC. 34. Neutral Uses.**—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop unless otherwise provided:

(a) **Cropland.**—

(1) Vineyards, tree fruits, bush fruits, and nut trees (any portion of such land which is interplanted shall carry the classification and actual acreage of such interplanted crop).

(2) Idle cropland.

(b) **Non-cropland.**—

(1) Non-crop pasture and range land.

(2) Waste land, roads, lanes, lots, yards, and other similar non-cropland.

(3) Woodland other than cropland planted to forest trees since January 1, 1934.

## Part V. Determination of Cropland and Establishment of Bases

**SECTION 41. County Limits and Quotas.**—For the county a ratio of the total acreage in soil-depleting crops to all cropland will be established by the Agricultural Adjustment Administration from available statistics, such ratio to be referred to as the county limit. The ratio of the aggregate of the total soil-depleting bases established in the county to all cropland in the farms for which such bases are established shall not exceed the county limit unless a variation therefrom is recommended by the State Committee and approved by the Administrator of the Agricultural Adjustment Administration. County quotas of acreage and production for cotton will be established by the Agricultural Adjustment Administration from available statistics, and in addition an acreage quota of soil-conserving crops will be so established.

**SEC. 42. Recommendation of Bases.**—For each farm for which a work sheet is filed in 1937 the County Committee will recommend to the State Committee, for approval by the Secretary, the total acreage of cropland and a total soil-depleting base. As a part of the total soil-depleting base the County Committee will recommend a general base and also wherever applicable a cotton base.

**SEC. 43. Total Cropland.**—(a) If the total acreage of cropland for the farm was established by accurate measurement in 1936, such acreage will be the 1937 acreage of cropland for the farm. If the total acreage of cropland for the farm was not so established in 1936, such acreage for the farm shall be established either by measurement in 1937 or on a basis which will result in an acreage of cropland comparable with that for farms on which such land was established by measurement.

(b) If the total acreage of cropland established for the farm in 1937 as provided in subsection (a) of this section 43 varies from the cropland reported for the farm on the work sheet submitted for such farm in connection with the 1936 Agricultural Conservation Program or varies from the cropland reported for the farm on the work sheet submitted for such farm for the first time in connection with the 1937 program, adjustments shall be made in accordance with this section 43, and the total acreage in soil-depleting crops, soil-conserving crops, and the acreage of cropland classed as neutral shall be adjusted on a pro rata basis to conform with the adjustments made in the total cropland.

**SEC. 44. 1937 Total Soil-Depleting Base.**—(a) *Farms for Which a Total Soil-Depleting Base Was Established in 1936.*—The County Committee will recommend to the State Committee, for approval by the Secretary, a total soil-depleting base for each farm covered by a work sheet in 1937 and for which a total soil-depleting base was established in 1936. Such base shall be the 1936 total soil-depleting base for the farm subject to the adjustments set forth in section 43 above and in accordance with the following:

(1) Necessary adjustments shall be made based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Program and other available information.

(2) There shall be included in the total soil-depleting base for the farm for 1937 the acreage of small grains for grain or hay followed by legumes; the acreage of corn interplanted with legumes classed as soil-conserving; and the acreage of Sudan grass harvested for seed or forage and classed as soil-conserving in establishing the total soil-depleting base for the farm for 1936.

(3) If the total soil-depleting base for any farm is materially greater or less than such bases for farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices, adjustments shall be made that will result in a total soil-depleting base for the farm which is comparable with the total soil-depleting bases for other similar farms.



(b) *Farms For Which a Total Soil-Depleting Base Was Not Established in 1936.*—The County Committee will recommend to the State Committee, for approval by the Secretary, a total soil-depleting base for each farm covered by a work sheet in 1937 and for which a total soil-depleting base was not established in 1936. Such base shall be the planted acreage of all soil-depleting crops for harvest in 1936 for the farm subject to the adjustments set forth in section 43 above and in accordance with the following:

(1) To the acreage of all soil-depleting crops planted in 1936 there shall be added the acreage diverted for payment under the 1936 Agricultural Conservation Program, provided that no soil-depleting crop was planted on such diverted acreage.

(2) Necessary acreage adjustments shall be made based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and other available information.

(3) If, because of flood, drought, or other abnormal weather conditions, the number of acres of soil-depleting crops planted in 1936 was greater or less than the acreage of such crops usually planted on the farm, such number of acres shall be adjusted to an acreage which is comparable with the acreage of such crops planted on the farm under normal conditions.

(4) If the total soil-depleting base for any farm is materially greater or less than such bases for farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices, adjustments shall be made that will result in a total soil-depleting base for the farm which is comparable with the total soil-depleting bases for other similar farms.

**SEC. 45. Cotton Base and Yield Per Acre.**—(a) *Cotton Base.*—

(1) The cotton base for the farm in 1937 shall be the cotton base which was or could have been established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a cotton base for the farm which is comparable with cotton bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(2) If, for causes other than flood, drought, or other abnormal weather conditions or because of substantial changes in the base acreage by the County Committee in 1936 after planting time, the acreage planted to cotton on the farm in 1936 was less than 50 percent of the cotton base for the farm in 1936, the cotton base for 1937 shall be adjusted downward by the County Committee but not lower than 154 percent of the 1936 planted acreage.

(3) For farms on which cotton was grown in 1936 for the first time since 1933, a cotton base may be established on the basis of the acreage planted to cotton in 1936 subject to necessary adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a cotton base for the farm which is comparable with cotton bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(4) The sum of the cotton bases for the farms covered by work sheets in the county shall not exceed their proportionate share of the quota of cotton acreage established for the county by the Agricultural Adjustment Administration.

(b) *Determination of Yield Per Acre.*—

(1) The yield per acre of lint cotton for the farm shall be designated by the appropriate Community Committee, subject to such adjustment by the County Committee as

is necessary in order that the sum of the base cotton production for farms covered by work sheets in 1937 in the county shall not exceed their proportionate share of the quota of cotton production established for the county by the Agricultural Adjustment Administration.

(2) Each farm covered by a work sheet will have been inspected by at least one member of the Community Committee, serving for the community in which the farm is located, who shall report the facts to the Community Committee before the yield is designated for the farm.

(3) The yield designated for any farm shall be that yield, subject to adjustments indicated in this subsection (b), which the Community Committee finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of cotton on the farm. In designating the yield due consideration shall be given by such Committee to the trend of yield per acre as well as to the type of soil, drainage, erosion, production practices, and general fertility of the land. Other facts bearing on the yield which might reasonably be expected, including abnormal weather conditions, shall also be given due consideration. Such findings shall be examined by the County Committee in the light of all available facts and approved or modified by it accordingly.

**SEC. 46. General Base and Productivity Index.**—(a) *Farms For Which A General Base was Established in 1936.*—

(1) The general base for the farm in 1937 shall be the general base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a general base for the farm which is comparable with general bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(2) There shall also be included in the general base for 1937—

i. The normal acreage of small grains for grain or hay followed by legumes and classed as soil-conserving in establishing the general base for 1936;

ii. The normal acreage of corn interplanted with legumes and classed as soil-conserving in establishing the general base for 1936;

iii. The acreage of Sudan grass harvested for seed or forage and classed as soil-conserving in establishing the general base for 1936; and

iv. The normal acreage of peanuts harvested for nuts, if grown for home use only.

(b) *Farms For Which a General Base Was Not Established in 1936.*—The general base for the farm in 1937 shall be the planted acreage of all crops in the general base for harvest in 1936, less such part of this acreage as was diverted in 1936 for payment from bases other than the general base, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs and further adjustments that will result in a general base for the farm which is comparable with general bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

(c) *Individual Farm Adjustments.*—In making adjustments in the general base for individual farms, such base cannot be adjusted below the farm's proportionate share of the total general base acreage for all farms in the county.

(d) *Productivity Index.*—The productivity index for the farm shall be determined upon the basis of the yield per acre established for the farm in 1937 for the crop(s) used in the county for this purpose under the 1936 Agricultural Conservation Program. The weighted average of the productivity indices for all farms diverting from the general



base in the county shall not exceed 100, unless a variation therefrom is recommended by the State Committee and approved by the Director of the Southern Division.

SEC. 47. *Other Provisions.*—No Community or County Committeeman shall have a voice in designating or approving any acreage or yield for any farm which he owns, operates, or controls; which is owned, operated, or controlled by his brother, sister, parent, child, or other near relative; or upon which he has a loan or other financial interest.

#### Part VI. Miscellaneous Provisions

SECTION 61. *Persons Who May Make Application For Payment.*—(a) An application for payment may be made by (1) an owner, (2) an operator, and (3) such other persons as may be designated by the Secretary.

(b) Payment will only be made upon an application filed with the County Committee within the prescribed time. Each person applying for payment will be required to show that work sheets have been filed with the County Committee covering all land in the county owned or operated by him in 1937. Any person applying for payment who owns or operates farms in more than one county in Mississippi may be required to file with the State Committee a list of all such farms.

(c) A time limit for filing work sheets and applications for payment in the county will be designated by the State Committee subject to the approval of the Director of the Southern Division, and when so approved at least two weeks' public notice shall be given in advance of the expiration of such time limit.

SEC. 62. *Land Which May Be Covered by a Work Sheet and Application for Payment.*—(a) A work sheet shall cover all of one farm only, except as provided in the following subsections of this section 62.

(b) If two or more farms in the county are under the same ownership and are operated by the same person, such farms may be covered by one work sheet.

(c) If two or more tracts of land in the county are under different ownerships, even though they are operated by the same person, each such separately owned tract shall be covered by a separate work sheet.

(d) Tracts of land under the same ownership located in two or more adjoining counties and operated as a single farm in 1937 shall be regarded as located in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, as located in the county in which the major portion of such farm is located.

(e) Except as provided in subsection (f) of this section 62 the land covered by an application for payment shall be the land covered by a single work sheet. The application for payment filed with respect to any land shall show the name and the extent of the interest of each person entitled to share in the payment with respect to such land. The amount of payment to any person with respect to the land covered by the application for payment shall, subject to the provisions of section 63 below, be determined by the performance on such land.

(f) If any person operates more than one farm in the county, such person may, subject to the conditions of this subsection (f), make one application for payment with respect to all such farms or several applications each covering one or more of such farms.

(1) An application for payment covering two or more farms in the county which are operated by the same person may be made only with the consent (indicated by signatures on the application for payment) of all persons who, as owner, share-tenant, or share-cropper, have an interest in the crops (or the proceeds thereof) grown in 1937 on any farm covered by the application; except that the signature of any person shall not be required in order to permit a grouping of such farms if such person would not receive a payment if each such farm were covered by a separate application for payment.

(2) In making determinations with respect to the amount of payment to be made under such application (in accordance with the provisions of this subsection (f)), all farms covered by an application for payment shall be considered as one farm.

SEC. 63. *Multiple Farm Holdings.*—If any person making application for payment in the county has an interest as owner or operator in one or more farms in the county which is not covered by an application for payment under which payment may be made, such person is required to furnish the County Committee a showing as to the acreage of soil-depleting crops grown in 1937 on each such farm. If the County Committee finds from evidence submitted to it and such measurement of such farms as is deemed necessary that any such person has materially increased the 1937 acreage of crops in any soil-depleting base above such bases on any such farm, performance shall be checked on all such farms. The procedure shall be as follows:

(a) For each such farm multiply the 1937 acreage of cotton and crops in the general base by the respective rate per acre (determined pursuant to sections 11 and 12, part III) and multiply each such result by the percentage (determined pursuant to the provisions of section 15, part III) due such person. Total the results thus obtained.

(b) For each such farm multiply the cotton and general bases by the respective rate per acre (determined pursuant to sections 11 and 12, part III) and multiply each such result by the percentage (determined pursuant to the provisions of section 15, part III) due such person. Total the results thus obtained.

(c) If the total obtained under subsection (a) of this section 63 exceeds the total obtained under subsection (b) of this section 63, such excess shall be deducted first from any payment which otherwise would be made to such person with respect to farms in the county covered by an application for payment.

(d) The procedure outlined in this section 63 shall at the option of the Secretary be applied to all farms owned or operated by the same person in the State.

SEC. 64. *Appeals.*—Any person who has reason to believe that any recommendation of the County Committee concerning his farm is not equitable may request the County Committee to reconsider its recommendation. If such person fails to agree with the final recommendation of the County Committee, such person may take an appeal, in accordance with the provisions of amendment 4 to Southern Region Bulletin 101.

SEC. 65. *Deductions for Expenses.*—There shall be deducted pro rata from the payment to any person with respect to a farm or farms all or such part as the Secretary shall prescribe of the estimated administrative expenses incurred and to be incurred in the field in carrying out the 1937 program.

There shall be credited for the payment of administrative expenses the sum of \$2.00 for each application for a farm on which the total payment (prior to deduction of any administrative expenses) as estimated by the Agricultural Adjustment Administration will be \$20.00 or less.

SEC. 66. *Applicability to Farms Under Other Special Programs.*—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are approved for the farm prior to performance by the County Committee in accordance with instructions issued by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, as hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 19th day of March, 1937.

[SEAL]

H. A. WALLACE, *Secretary.*



## FEDERAL COMMUNICATIONS COMMISSION.

## AMENDMENT OF RULES GOVERNING ISSUANCE OF TELEGRAPH FRANKS

The Telegraph Division at its regular meeting on March 9, 1937, adopted the following Order:

## ORDER NO. 14-B

The Telegraph Division having under consideration the Rules Governing the Issuance of Telegraph Franks adopted by the Telegraph Division on February 13, 1935; and

*Whereas*, It appears that the provisions of paragraph 8 of said rules, with regard to the posting of lists of frank holders, and the provisions of paragraphs 9 and 10 of said rules, requiring a filing of special quarterly reports, may be modified so as to save expense and inconvenience to the carriers without injury to the interests of the public;

*It is ordered*, That said rules be and the same are hereby amended as of January 1, 1937, by striking out paragraphs 8, 9 and 10 thereof;

*It is further ordered*, That said rules be, and the same are, hereby further amended as of January 1, 1937, by adding thereto a new paragraph numbered 7-A, to read as follows:

7-A. Each year, on or before the 31st day of March, every telegraph carrier subject to the Communications Act of 1934 shall file with this Commission, in duplicate, a statement, for the last preceding calendar year, showing the name and address of every person holding a telegraph frank at any time during that period, the office, employment or relationship held by each such person entitling him to the frank, the number of franked messages sent under each frank during such period, and the aggregate charges in dollars which would have accrued to the carrier for all the franked messages sent under each frank during such period if the messages had been paid for at the full published charges; and an additional copy of such statement shall, not later than the date above mentioned, be made available, and thereafter kept available, in the principal office of the carrier for public inspection upon request.

By the Commission, Telegraph Division.

[SEAL]

JOHN B. REYNOLDS,  
*Acting Secretary.*

[F. R. Doc. 37-778; Filed, March 19, 1937; 9:28 a. m.]

## AMENDMENT OF RULE 330A

The Telegraph Division at its regular meeting on March 9, 1937, amended Rule 330a, to read as follows:

RULE 330a. In the event that the amount of power allocated above is insufficient to afford reliable coverage over the desired service area, the Commission may authorize the use of additional stations of the same or less power, or upon proper showing being made, may authorize such additional power as may be necessary but not to exceed 500 watts, provided, however, that municipal police stations authorized to serve an entire county under the provisions of Rule 331, may be licensed to employ a maximum power of 1,000 watts between one hour after local sunrise and one hour before local sunset, on condition that the applicant files with the application an agreement, entered into with other licensees operating on the same frequency and in the same area to which the frequency is assigned, including a statement giving their consent to the use of such increased power.

[SEAL]

JOHN B. REYNOLDS,  
*Acting Secretary.*

[F. R. Doc. 37-779; Filed, March 19, 1937; 9:28 a. m.]

## FEDERAL TRADE COMMISSION.

Commissioners: William A. Ayers, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

No. 54—2

[File No. 21-297]

## IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE CARBON DIOXIDE MANUFACTURING INDUSTRY

## NOTICE OF OPPORTUNITY TO OFFER SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Carbon Dioxide Manufacturing Industry, to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than April 6, 1937, which communications will be for the public record. After giving due consideration to such suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By direction of the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

Entered: March 17, 1937.

[F. R. Doc. 37-782; Filed, March 19, 1937; 10:47 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[No. 3666]

## ORDER

## IN THE MATTER OF REGULATIONS FOR THE TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: Frank McManamy, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles by rail, water and highway being under further consideration;

*And it appearing*, That upon petition of interested parties certain proposed new and amended regulations should be established pursuant to section 233 of the Criminal Code (Transportation of Explosives Act) and upon investigation are found to be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport:

*It is ordered*, That the aforesaid regulations as heretofore published in orders of May 12, 1930, Oct. 14, 1932, and Jan. 13, 1934, be and they are hereby superseded and amended as follows, effective June 17, 1937.

*Freight*

Superseding and amending 4th subpar., par. 241 (a), order May 12, 1930, to read as follows (*packing ethyl chloride*):

Or in metal barrels or drums, specification 5A, not over 33 gallons capacity each;

Amending par. 283, order May 12, 1930, as follows (*packing inflammable solids and oxidizing materials*):

(Add) No. 11A.—Wooden barrels or kegs with inside containers or with suitable lining for bulk shipments. Not authorized for chlorates.

Amending 3d subpar., par. 296, order May 12, 1930, as follows (*packing benzoyl peroxide*):

(Add) Or in wooden boxes, specification 15A or 15B, with inside containers which must be: Aluminum drums constructed of not less than 16 gauge U. S. standard, tightly sealed. Gross weight of each box not over 200 pounds.



Amending Note 1, par. 405, order May 12, 1930, as follows (*packing compressed gases*):

(Add) Cylinders complying with specification 3E are also authorized for all gases named in this table.

Amending Note 3, par. 405, order May 12, 1930, as amended by order Oct. 14, 1932, as follows (*packing compressed gases*):

(Add) *Provided further*, That cylinders marked ICC-3A2300 or for higher pressures are authorized to be shipped when charged with 75 or 100 pounds of gas with not over 1 pound variation plus or minus; filling density must not exceed 68 per cent.

Superseding and amending par. 406 (c), order May 12, 1930, to read as follows (*packing compressed gases*):

(c) Cylinders are authorized for liquefied petroleum gas when made under specification 3, 3A, 3B, 3E, 4, 4A, 4B, 25, 26, or 38. (See par. 416.)

Amending par. 408, order May 12, 1930, as follows (*packing compressed gases*):

(Add) Cylinders complying with specification 3E are also authorized subject to paragraph 404.

#### Express

Amending par. 148 (b), order May 12, 1930, as follows:

(Add) Motion-picture films in tightly closed metal cans each containing not over 1000 feet (approximate) of film may also be shipped in one-piece fiberboard boxes complying with paragraph 4, specification 23B; cans to be adequately braced in center of box from all 4 corners. Closing of box to be effected by coating entire contact surfaces of flaps with efficient adhesive; stitched closure not authorized. Box must not be used for reshipment.

Amending Note 1, par. 215, order May 12, 1930, as follows (*packing compressed gases*):

(Add) Cylinders complying with specification 3E are also authorized for all gases named in this table.

Amend Note 3, par. 215, order May 12, 1930, as amended by order Oct. 14, 1932, as follows (*packing compressed gases*):

(Add) *Provided further*, That cylinders marked ICC-3A2300 or for higher pressures are authorized to be shipped when charged with 75 or 100 pounds of gas with not over 1 pound variation plus or minus; filling density must not exceed 68 per cent.

Superseding and amending par. 216 (c), order May 12, 1930, to read as follows (*packing compressed gases*):

(c) Cylinders are authorized for liquefied petroleum gas when made under specification 3, 3A, 3B, 3E, 4, 4A, 4B, 25, 26, or 38. (See par. 226.)

Amending par. 218, order May 12, 1930, as follows (*packing compressed gases*):

(Add) Cylinders complying with specification 3E are also authorized subject to paragraph 214.

#### Shipping Container Specifications

Superseding and amending *specification 5C*, order Jan. 13, 1934, as follows:

2. In place of paragraph 2, the following:

(a) All sheet metal, welding rod, closing devices and samples taken from the welded portion of the finished container must be of 18 chrome 8 nickel alloy with 0.07 per cent carbon maximum, 17-20 per cent chromium, 7-11 per cent nickel, and be capable of resisting the action of nitric acid as follows:

(b) In that the limit of inches per month penetration in accordance with corrosion test as used in American Society of Testing Materials Committee A-10-1933 collaboration testing program shall be 0.0015 inch for 18 per cent chrome and 8 per cent nickel chrome iron, this figure to be an average of five 48-hour-period tests.

4. Paragraph canceled.

Superseding and amending par. 2, *specification 5G*, order Oct. 14, 1932, to read as follows:

2. In place of paragraph 2, the following:

The use of an austenitic 18 and 8 chrome nickel alloy steel with carbon content not over 0.12 per cent is required, except for rolling hoops, in the manufacture of these containers.

Superseding and amending par. 5 (a), *specification 8*, order May 12, 1930, to read as follows:

5. (a) Cylinders must be made seamless or from a seamless drawn body with one or both heads secured in place by welding,

except as follows: Side seams made by forge lapweld and brazing of heads by dipping process are authorized; circumferential body seams made by fusion or electric resistance welding are authorized provided cylinder has no longitudinal body seam.

Amending *specification 23B*, order May 12, 1930, as follows:

(Add) 4. One-piece containers complying with all provisions of this specification, except as follows, are authorized for motion-picture film in inside metal cans only; each can to contain not over 1,000 feet (approximate) of film; gross weight of package not over 65 pounds:

(a) Board must be at least 350-pound test; flanged liner and pads not required.

(b) Adequate bracing must be supplied, at all 4 corners of box, to hold inside containers in center of package; this to be made of 175-pound test doublefaced corrugated fiberboard extending full depth of package.

(c) Closure of flaps by stitching not authorized.

*It is further ordered*, That compliance with the aforesaid amendments made effective by this order is hereby authorized on and after the date of approval and publication thereof;

*It is further ordered*, That the aforesaid regulations as further amended herein shall be and remain in force on and after June 17, 1937, and shall be observed until further order of the Commission;

*And it is further ordered*, That copies of this order be served upon all the respondents herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 10th day of March, 1937.

By the Commission, Commissioner McManamy.

[SEAL]

GEORGE W. LAIRD,  
Acting Secretary.

[F. R. Doc. 37-785; Filed, March 19, 1937; 12:00 m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 73]

### ALLOCATION OF FUNDS FOR LOANS

MARCH 18, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	Amount
Idaho 10 Nez Perce.....	\$250,000
Idaho 10 G Nez Perce.....	75,000
Oregon 2 Lane.....	98,000
Oregon 2 G Lane.....	10,000
Texas 45 Limestone.....	250,000

JOHN M. CARMODY, Administrator.

[F. R. Doc. 37-781; Filed, March 19, 1937; 9:44 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

### SECURITIES EXCHANGE ACT OF 1934

#### AMENDMENT NO. 1 TO FORM 23

The Securities and Exchange Commission, finding

(a) that the information required by Form 23 for applications for registration of securities of Successor Issuers, as such information is more specifically defined in the Instruction Book for Form 23 as hereinbelow amended, is necessary and appropriate in the public interest and for the protection of investors; and to insure fair dealing in the securities; and

(b) that insofar as such information is not within the provisions of Section 12 (b) of the Act, it is of character comparable to the information provided for therein and is applicable to the class of issuers by which Form 23 is to be used,

pursuant to power conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a),



the Commission hereby amends the Instruction Book for Form 23 as follows:

The instructions to Item 19, under the caption "Financial Statements Required To Be Filed" are amended as follows:

I. By deleting subdivision (A) of paragraph I-2 (a) (1) and inserting the following in lieu thereof:

(A) There shall be filed, as of the close of the most recent fiscal year or as of a more recent date, a certified balance sheet for each constituent person.

II. By deleting the second sentence of paragraph I-2 (c) (1) and inserting the following in lieu thereof:

These statements shall be filed for the fiscal year preceding the date of the related balance sheet and for the period, if any, between the close of such fiscal year and the date of such related balance sheet.

Paragraph I-2 (c) (1), as hereby amended, reads as follows:

(1) There shall be filed a certified profit and loss statement, related to each individual or combined balance sheet filed for the constituent persons pursuant to paragraph (a) (1) above. These statements shall be filed for the fiscal year preceding the date of the related balance sheet and for the period, if any, between the close of such fiscal year and the date of such related balance sheet.

III. By deleting from paragraph I-2 (c) (2) the words "covering the interim period" and inserting the following in lieu thereof:

for each fiscal year or portion thereof from the close of the fiscal year for which statements were filed pursuant to paragraph (1)

Paragraph I-2 (c) (2), as hereby amended, reads as follows:

(2) There shall be filed, at the time of filing the balance sheets prescribed in paragraph (a) (3) above, additional certified profit and loss statements for each person for which profit and loss statements are filed pursuant to paragraph (1) for each fiscal year or portion thereof from the close of the fiscal year for which statements were filed pursuant to paragraph (1) up to the date of the balance sheets filed with the amendment.

IV. By deleting the period at the end of the second sentence in subdivision (1) of paragraph II-2 (a) and adding the following:

or, if the succession has not occurred, as of the date of the certified balance sheets filed pursuant to paragraph I-2 (a) above.

Subdivision (1) of paragraph II-2 (a), as hereby amended, reads as follows:

(1) There shall be filed for each such person a certified balance sheet as of its latest fiscal year closing date preceding the date of succession. Such statements may, however, at the option of the registrant, be as of the date of the certified balance sheet of the registrant showing the status after the transfer of accounts, or if the succession has not occurred, as of the date of the certified balance sheets filed pursuant to paragraph I-2 (a) above.

The foregoing amendment shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-791; Filed, March 19, 1937; 12:54 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE CAPROCK-PARKS #1 FARM, FILED ON FEBRUARY 27, 1937, BY CAPROCK OIL COMPANY, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter,<sup>1</sup> which was last set to be heard at

4:00 o'clock in the afternoon of the 19th day of March, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon of the 5th day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-789; Filed, March 19, 1937; 12:54 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE OHIO-DAHL FARM, FILED ON MARCH 11, 1937, BY T. G. WYLIE & CO., INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the answer set forth under Division III, Item 3, is incomplete and might, therefore, be misleading by reason of the fact that

(a) it is not fully explained how each factor used was determined for the particular tract;

(b) the reasons for the use of each particular factor in combination with each of the other factors are not fully explained;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of April, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 2nd day of April, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-790; Filed, March 19, 1937; 12:54 p. m.]

<sup>1</sup> 2 F. R. 597.



